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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/475,637	12/30/1999	ROBERT L. TRITT	10098/6	6604

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EXAMINER

RUDY, ANDREW J

ART UNIT	PAPER NUMBER
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3627

DATE MAILED: 07/15/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/475,637

Applicant(s)

TRITT ET AL.

Examiner

Andrew Joseph Rudy

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. Claims 1-20 are pending.

#### ***Drawings***

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the real-time financial information, receiving an account holder identification, receiving responses/identification, transmitting requests based on identification, presenting responses and a computer program must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

#### ***Specification***

3. The abstract of the disclosure is objected to because extraneous material is contained therein. Correction is required. See MPEP § 608.01(b). No new matter may be entered.

4. Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:

- (1) if a machine or apparatus, its organization and operation;
- (2) if an article, its method of making;
- (3) if a chemical compound, its identity and use;
- (4) if a mixture, its ingredients;
- (5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

5. The disclosure is objected to because page 1, lines 6-14, are incomplete. Appropriate correction is required.

No new matter may be entered.

*Claim Rejections - 35 USC § 103*

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cwenar, US Patent No. 5,893,079.

Cwenar discloses monitoring a plurality of different independent real-time financial databases that transmit transaction/account information, each database maintaining information about separate portfolio accounts that may be kept in different formats and maintained by separate entities.

To transmit first and second requests associated with associated identifications for Cwenar would have been obvious to one of ordinary skill in the art. To cross-reference accounts would have been an obvious design choice for one of ordinary skill in the art. Doing so would use well-known information retrieval apparatus when accessing Cwenar's databases. Regarding claims 17-20, providing an associated computer program is deemed well within the purview of one of ordinary skill in the art, and doing such for Cwenar, would have been obvious to one of ordinary skill in the art.

8. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sugimoto, US Patent No. 6,195,708.

Sugimoto discloses a plurality of real-time databases that transmit transaction/account information, each database maintaining information about separate portfolio accounts that may be kept in different formats.

To transmit first and second requests independently or simultaneously associated with associated identifications for Sugimoto would have been obvious to one of ordinary skill in the art. To cross-reference accounts would have been an obvious design choice for one of ordinary skill in the art. Doing so would use well-known information retrieval apparatus when accessing Sugimoto's databases. Regarding claims 17-20, providing an associated computer program is deemed well within the purview of one of ordinary skill in the art, and doing such for Sugimoto, would have been obvious to one of ordinary skill in the art.

9. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boothby, US Patent No. 6,223,187.

Boothby discloses synchronization of a plurality of different independent real-time financial databases that transmit transaction/account information, each database maintaining information about separate portfolio accounts that may be kept in different formats and maintained by separate entities.

To transmit first and second requests associated with associated indentifications for Boothby would have been obvious to one of ordinary skill in the art. To cross-reference accounts would have been an obvious design choice for one of ordinary skill in the art. Doing so would use well-known information retrieval apparatus when accessing Boothby's databases. Regarding claims 17-20, providing an associated computer program is deemed well within the purview of one of ordinary skill in the art, and doing such for Boothby, would have been obvious to one of ordinary skill in the art.

10. Applicant's Information Disclosure Statement received December 30, 1999 has been reviewed. See, enclosed PTO-1449.

11. Further references of interest:

Buist, US Patent No. 6,408,282, discloses in the preferred embodiment real-time trading of an order book where a fee may be charged.

Peterson et al., US Patent No. 6,324,522, discloses real-time trading of securities over the Internet.

Riggins, US Patent No. 6,233,341, discloses separate databases using an identification (ID) and password to access each.

Boothby, US Patent No. 6,223,187, discloses synchronization of a plurality of databases.

Newman et al., US Patent No. 6,035,276, discloses a plurality of databases.

Atkins, US Patent No. 5,911,135, discloses real-time access management of financial accounts.

Atkins, US Patent No. 5,884,285, discloses real-time analysis of financial accounts.

Pare, Jr. et al., US Patent No. 5,870,723, discloses commercial transactions over databases using various ID's.

Pare, Jr. et al., US Patent No. 5,764,789, discloses commercial transactions over databases using various ID's.

Crozier, US Patent No. 5,701,423, discloses a plurality of databases and formats therefor.

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Joseph Rudy whose telephone number is 703-308-7808. The examiner can normally be reached on Tuesday thru Friday, 7:30 a.m until 6 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Robert Olszewski can be reached on (703) 308-5183. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9326 for After Final communications.



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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

July 8, 2002

*Andrew Joseph Rudy*

*Richard Chilcot*  
Patent Examiner  
Technology Center 2850  
3622